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In re Application of
BLUM, et al.
Application No.: 10/523,417
PCT No.: PCT/EP03/08037
Int. Filing Date: 23 July 2003
Priority Date: 07 August 2002
Attorney Docket No.: 264738US0PCT
For: PRODUCTION OF PAPER, BOARD AND
CARDBOARD

DECISION ON PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's "Request For Corrected Notice of Acceptance" filed 03 August 2005, requesting that the United States Patent and Trademark Office (USPTO) correct the 371(c) date for the above captioned application to 03 February 2005. The request is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 23 July 2003, applicant filed the international application, which claimed a priority date of 07 August 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 19 February 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 07 February 2005.

On 03 February 2005, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee, an Information Disclosure Statement, a preliminary amendment and an executed combined declaration and power of attorney.

On 25 July 2005, applicant was mailed a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) indicating an date of completion of all 35 U.S.C. 371 requirements of 07 February 2005.

On 03 August 2005, applicant filed the petition considered herein.

DISCUSSION

Applicant has provided a legible copy of the receipt postcard which shows a USPTO date

stamp, "OIPE JC25 Patent & Trademark Office FEB 03 2005" and clearly identifies in part: "Combined Declaration, Petition & Power of Attorney" as well as listing the applicant, international application serial number, title and attorney docket number. The evidence is sufficient to establish that all of the 35 U.S.C. 371 requirements were received in the USPTO on 20 October 2003. In addition, a review of the filed transmittal letter finds that applicant checked box three of the form requesting express national examination procedures. As such, it is proper to **GRANT** applicant's petition at this time.

The application will be given an international filing date of 23 July 2003 under 35 U.S.C. 363 and a date of **03 February 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) mailed 25 July 2005 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above.



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